HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.23356 of 2006

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Between:

A.Balarama Krishna Prasad

……Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Secretary, Transport, Roads and
Buildings (R.VI) Department, Secretariat
Buildings, Saifabad, Hyderabad and five others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri Venkata Rangadas Kanuri

November 10, 2006

Per G.S. SINGHVI, CJ

The petitioner who appears to be a self-styled champion of public interest has filed this petition under Article 226 of the Constitution of India for quashing G.O.Ms.No.47 dated 22-03-2006 and proceedings dated 23-1-2006 issued by the State Government and for issue of a direction to the State Government to proceed with the construction of IV Town Traffic Police Station on land measuring 25 cents comprised in Revenue Survey No.278 of Gunadala Village, Ramavarappadu Ring Road, Vijayawada.

The appellant claims to be a member of Amnesty International, Vice-President of Krishna District Handicapped Welfare Association and an active member of other social organizations apart from being a tax payer. His grievance is that after having secured possession of the land in question and obtained sanction from the government for construction of IV Town Traffic Police Station with an estimated cost of Rs.12 lakhs, the respondents have taken a U-turn and arbitrarily decided to give up the construction of the police station. According to the petitioner (appellant herein) the decision contained in G.O.Ms.No.47, dated 22-3-2006 was taken by the government with a view to favour some individuals and, therefore, the said decision is liable to be nullified.

We have heard Shri Venkata Rangadas Kanuri, learned advocate for the petitioner at considerable length. Learned counsel wanted us to presume that his client has the locus standi to question the impugned G.O., by saying that Writ Petition No.18461 of 2003 filed by him for directing the official respondents not to stall the construction of traffic police station at the disputed site had been entertained and decided by the Division Bench, but we have not felt impressed. Order

dated 27-11-2003 passed in Writ Petition No.18461 of 2003 and two connected matters does not contain any discussion on the issue of locus of the petitioner to file the petition in public interest. Therefore, that order cannot be made basis for entertaining the grievance of the petitioner qua G.O.Ms. No. 47 dated 22-03-2006.

The bald assertion made by the petitioner that he is a member of Amnesty International, Vice-President, Krishna District Handicapped Welfare Association and an active member in various social organizations and has been espousing the cause of the public is also not sufficient to cloth him with the locus to question the decision taken by the State Government not to construct traffic police station at the site in question on the ground that the same would obstruct the view of the statue of late Shri Babu Jagjeevan Ram, the then Prime Minister of India.

There is another stronger reason for our disinclination to entertain the petitioner's locus. He has not disclosed the source of his earning. During the course of hearing, learned counsel for the petitioner vaguely suggested that his client is engaged in some business activity and is running a telephone booth, but has not disclosed as to where the booth is situated and whether his business interests are furthered by having a traffic police station at the site in question. To us, it appears that the writ petition has been filed either as a sequel to business rivalry or for espousing the cause of some private interest. The petitioner has not even disclosed that after issue of G.O.Ms.No.47 dated 22-03-2006, he made any representation to the Government to impress upon it to construct traffic police station at the disputed site by citing public interest as the cause. His failure to do so coupled with the silence for almost seven and half months militates against the bona fide character of the prayer made by the petitioner.

With the above observations, the writ petition is dismissed.

At this stage, learned counsel for the petitioner made a request that his client may be permitted to represent to the Government against the impugned G.O. In this connection, it is sufficient to observe that dismissal of the writ petition does not operate as a bar to the making of representation to the Government or any other competent authority.

As a sequel to dismissal of the writ petition, WPMP No.29742 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

10-11-2006
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